

ABC, Inc.

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Sam Antar
Vice President
Law & Regulation
Legal

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 4, 1998

BY HAND

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: IB Docket No. 98-172
RM-9005
RM-9118

Dear Ms. Salas:

Enclosed please find an original and four copies of the Comments of ABC, Inc. on the Notice of Proposed Rulemaking in the above-captioned proceeding.

If there are any questions, please contact the undersigned.

Respectfully submitted,

Sam Antar

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, DC 20554

17-98-113

In the Matter of)
)
Redesignation of the 17.7-19.7 GHz Frequency)
Band, Blanket Licensing of Satellite Earth)
Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz)
Frequency Bands, and the Allocation of)
Additional Spectrum in the 17.3-17.8 GHz and)
24.75-25.25 GHz Frequency Bands for Broadcast)
Satellite-Service Use)

IB Docket No. 98-172
RM-9005
RM-9118

COMMENTS OF ABC, INC.

ABC, Inc. ("ABC") hereby submits its comments on the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding.

Our interest in this proposal is based on our existing FS licenses in the 17.7-19.7 GHz band. As we noted in comments we filed jointly with CBS, Inc. in RM-9005, the ABC radio network operates four licensed transmitters among three terrestrial sites (two paths) in this band. These paths are used to relay network programming for the ABC and CBS radio networks and to transmit the combined digital product to the common carrier for uplinking.¹ It is vital that ABC and CBS continue to be able to use these terrestrial paths free of interference in order to support nationwide distribution of the ABC and CBS radio network services to tens of millions of listeners. In addition, both ABC and CBS hold licenses in this band associated with owned television stations for facilities that are vital to relaying material from remote sites to the stations for broadcast.

ABC generally supports the Commission's proposal presented in the Notice because it

¹ CBS has contracted with ABC to provide distribution for the CBS radio networks.

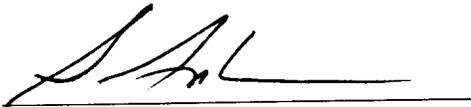
properly recognizes the importance of existing terrestrial fixed service ("FS") operations in the 17.7-18.8 GHz band and provides for their continued viability. The proposal accomplishes this by allocating 600 MHz of dedicated spectrum for FS at 17.7-18.3 GHz, by designating 650 MHz of spectrum for co-primary FS use at 18.55-18.8 GHz and 19.3-19.7 GHz, and by grandfathering existing FS users in 18.3-18.5 GHz and 18.8 - 19.3 GHz which have been designated for satellite service use on a primary basis. In the comments below, we offer two proposals with respect to grandfathering which we believe will better effectuate the Commission's intent and serve the mutual interests of both FS users and satellite operators.

First, the Commission should require satellite operators to give notice to grandfathered FS users on a license by license basis of the name, address and phone number of the person who should be contacted should the satellite operation cause interference to the protected FS operation. This is particularly important in the case of mission-sensitive links where FS program distribution may be disrupted and the need to identify the source of and eliminate the interference is critical.

Second, grandfathered FS users should have a relocation option. There will be cases where it will be apparent at an early stage that certain FS users cannot coexist with blanket licensing of earth stations. In these circumstances, FS users should not be required to wait for the satellite operator to act or for interference to occur. The FS user should have a relocation option which would operate as follows: The FS user would notify the satellite operator that it is exercising its relocation option. The satellite operator would then have the choice to either commit to protect the FS user in perpetuity (in effect foregoing blanket licensing in the specific geographic area) or to relocate the FS user with the satellite operator paying all the costs of relocation. This option will allow FS users to take timely effective action to plan for the continued operation of their facilities. Acting early will enable FS users to avoid being

foreclosed from suitable replacement spectrum as a result of the licensing of new links. It would also benefit satellite operators by providing a mechanism to remove obstacles to the rapid and efficient build-out of their systems. We believe this proposal is a practical way to deal with the very real possibility that blanket licensing of earth stations and certain FS uses may not be able to coexist, and would be consistent with the Commission's objective to protect FS incumbents.

Respectfully submitted,

By: 

Sam Antar
Vice President, Law & Regulation

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New York, New York 10023

Counsel for ABC, Inc.